

RECEIVED  
CENTRAL FAX CENTER

JAN 04 2007

**Katten**

Katten Muchin Rosenman LLP

575 Madison Avenue  
New York, NY 10022-2586  
212.940.8800 tel  
212.940.8776 fax

## Facsimile

To	Company	Fax Number	Phone Number
1. Examiner William H. Wood	USPTO - GAU 2193 Re: 10/705,437 Confirmation No.: 4605	1-571-273-8300	

Date	Client/Matter Number
January 4, 2007	FU II 17.634A (100794-00500)
From	Attorney Email Address
Brian E. Hennessey	<a href="mailto:Brian.Hennessey@kattenlaw.com">Brian.Hennessey@kattenlaw.com</a>
Phone	Fax
212.940.6311	212.940.8986

Total number of pages, including cover letter: 12

If you do not receive all of the pages, please call: 212.940.8800

### Comments

1 page - TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A  
PRIOR ART (IN DUPLICATE)  
9 pages - AMENDMENT

### For Messenger Department Use Only

Your fax has been sent. Attached is your original.

Date \_\_\_\_\_ Time \_\_\_\_\_

Signature \_\_\_\_\_

### Important

This facsimile transmission contains information intended for the exclusive use of the individual or entity to whom it is addressed and may contain information that is proprietary, privileged, confidential and/or exempt from disclosure under applicable law.

If you are not the intended recipient (or an employee or agent responsible for delivering this facsimile transmission to the intended recipient), you are hereby notified that any copying, disclosure or distribution of this information may be subject to legal restriction or sanction. Please notify the sender by telephone to arrange for the return or destruction of the information and all copies.

NEW YORK CHARLOTTE CHICAGO IRVING LONDON LOS ANGELES PALO ALTO WASHINGTON, DC [WWW.KATTENLAW.COM](http://WWW.KATTENLAW.COM)

LONDON AFFILIATE: KATTEN MUCHIN ROSENMAN CORNISH LLP

A limited liability partnership including professional corporations

84177953\_1

JAN 04 2007

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below

Name: FRANCES DOYLE  
Signature: Frances Doyle  
Date: 01-04-2007

PTO/SB/28 (10-99)

Approved for use through 9/30/2000. OMB 0551-0031  
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)

FUJI 17.634A

In re Application of: William H. Wood

Application No.: 10/705,437

Filed: November 10, 2003

For: METHOD AND APPARATUS FOR UPDATING SOFTWARE IN RADIO...

The owner\*, Fujitsu Limited, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,687,901. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or record.

Samson Helfgott  
Signature

01-04-2007

Date

Samson Helfgott, Reg. No. 23,072

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below

Name: FRANCES DOYLE

Signature: Frances Doyle

Date: 01-04-2007

PTO/SB/26 (10-99)

Approved for use through 9/30/2000. OMB 0651-0031

Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT</b>	Docket Number (Optional) <b>FUJI 17.634A</b>
<p>In re Application of: William H. Wood Application No.: 10/705,437 Filed: November 10, 2003 For: METHOD AND APPARATUS FOR UPDATING SOFTWARE IN RADIO...</p> <p>The owner*, <u>Fujitsu Limited</u>, of <u>100%</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. <u>6,687,901</u>. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it does not extend beyond the expiration date of the prior patent.</p>	

BEST AVAILABLE COPY